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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,736

09/26/2005

Hideo Kawakami

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EXAMINER

SANTOS, ROBERT G

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

06/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,736

Applicant(s)

KAWAKAMI ET AL.

Examiner

Robert G. Santos

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007 and on 01 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 2, 4 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20070117.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,899,404 to Galumbeck. Galumbeck shows the claimed limitations of a mattress (5, 130) laid on a platform of an adjustable bed (1) having a transformable bed surface (as shown in Figures 1, 2 & 5), wherein a mesh (136) is formed on a front face of the platform, the front face forming at least part of the bed surface, a fixture disposed on a surface of the mattress facing the platform having a generally planar member (142) and at least one projection portion (152) configured to interlock releasably with the mesh, and the fixture secures the mattress by tightly fitting into one or more interstices of the mesh (as shown in Figures 10 & 11 and as described in column 8, lines 27-58), wherein the fixture is disposed on a the surface of the mattress in a part of the mattress corresponding to a lower back region of a user lying on the mattress (as shown in Figure 1 and as described in column 8, lines 13-15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Pat. No. 3,905,053 to Vuchelich in view of Galumbeck '404. Vuchelich shows the claimed limitations of a mattress (18) laid on a platform (16) of an adjustable bed having a transformable bed surface (as shown in Figures 2 & 3), wherein a mesh (31) is formed on a front face of the platform, the front face forming at least part of the bed surface, a fixture (30) disposed on a surface of the mattress facing the platform and configured to interlock releasably with the mesh, and the fixture secures the mattress by tightly fitting into one or more interstices of the mesh (as described in column 2, lines 4-10), wherein the fixture is disposed on a the surface of the mattress in a part of the mattress corresponding to a lower back region of a user lying on the mattress (as shown in Figures 1, 2 & 6). However, Vuchelich does not specifically disclose a condition wherein the fixture comprises a generally planar member and at least one projection portion. Galumbeck provides the basic teaching of a mattress (5, 130) having a fixture and being positioned upon the mesh front face (136) of the platform of an adjustable bed (1), wherein the fixture has a generally planar member (142) and at least one projection portion (152) configured to interlock releasably with the mesh. The skilled artisan would have found it obvious at the time the invention was made to provide the mattress of Vuchelich with a fixture comprising a generally planar member and at least one projection portion in order to provide a simple alternative construction that also effectively retains the mattress in place relative to the adjustable bed platform as desired.

Response to Amendment

5. Applicant's arguments with respect to claims 2 and 4-6 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claim 5 is allowed. The examiner respectfully asserts that one of ordinary skill in the art would not have found it obvious at the time the invention was made to modify the respective basic adjustable beds of Galumbeck '404 and Vuchelich '053 to include the additional complex structure of a tilt mechanism operable to tilt the front face of the support platform laterally wherein the tilt mechanism is operable with the flex mechanism in an operating condition and vice versa, as explicitly recited in claim 5.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

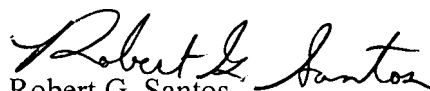
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
May 23, 2007